

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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(Dw)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/883,557 06/26/97 ALBERT

H ALBERT-6-6-5

LM02/0622

EXAMINER

MORGAN & FINNEGAN
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NEW YORK, NY 10154

ZIMMERMAN, R

ART UNIT PAPER NUMBER

2735

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DATE MAILED:

06/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/883,557	Applicant(s) Albert
	Examiner Brian Zimmerman	Group Art Unit 2735

Responsive to communication(s) filed on Apr 20, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 13-49 and 61-69 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 13-49 and 61-69 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

EXAMINER'S RESPONSE

Status of Application.

1. In response to the applicant's amendment received on 4/20/00. The examiner has considered the new presentation of claims and applicant arguments in view of the 5 disclosure and the present state of the prior art. And it is the examiner's position that claims 13-49,61-69 are unpatentable for the reasons set forth in this office action:

ART REJECTION

2. The text of those sections of Title 35, U.S. Code not included in this action can 10 be found in a prior Office action.

3. Claims 13-15,20,28-30,43-45,48,49,60,61-65,69 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Busch (5408513).

Busch shows a financial transaction device 110 connected to a wireless adaptor 15 112 to convert data to a different format. Busch also shows a first wireless modem 124 which sends data over a wireless media (antenna on element 124). The data is received at a "host" which includes another (or second modem) and first communication means to communicate to a computer and authorization processor. The adaptor means includes an audio frequency modem 126 as claimed.

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4. Claims 16-27,31-42,46,47 are rejected under 35 U.S.C. § 103 as being

unpatentable over Busch as applied to claims 13,28,43 above, and further in view of common knowledge in the art. The examiner takes official notice that the devices claimed (claims 16,17,31,32,46,47) are well known devices equivalent to the devices taught by Rogge. The examiner takes official notice that the networks claimed (claims 5 19-27,34-42) are well known networks equivalent to the networks taught by Rogge. Furthermore, the extent of disclosure the applicant provides is evidence of the fact that the applicant believes that the types of network (or types of device) are known to the artisan. The applicant has not invented these specific networks (or devices). Regarding claims 18,33, the references, discussed above, discloses the claimed 10 invention except for having the claimed elements in a single computer system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place all these elements in a single computer, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 15 164 (1893). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized any of the claimed networks (or devices) in the above modified system since that would have been equivalents to the elements used in the above modified system.

20 5. Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busch as applied to claims 13,18,28 above, and further in view of Buffered.

In an analogous art, Buffered discloses a method and apparatus for transmitting communication information for wireless systems that includes a data compression circuit to compress digital data where the communication processor compresses digital data to the wireless modem via the transmission media and communication means.

- 5 Buffered further discloses a data encryption circuit to encrypt digital data and the processor encrypts digital data to the wireless modem via the transmission media and communication means. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a compression and encryption circuit(s) for providing secure communication of financial data between the transaction
10 device and the host in the above modified system.

REMARKS

- It is noted that new claim 69 includes limitations that have been previously
15 claimed. As claimed prior to the preliminary amendment, the first wireless modem is coupled to the wireless adapter and the wireless adapter includes an audio frequency modem. Therefore, the audio frequency modem is coupled to the first wireless modem.

This is a CPA of applicant's earlier Application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the
20 grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first

action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within 5 TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.

- 5 Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Brian Zimmerman
Patent Examiner
Art Unit 2735

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703-305-4796
June 20, 2000